

ZONING ORDINANCE VILLAGE OF TRUMANSBURG
Adopted January 11, 1971

ZONING ORDINANCE

of the Village of Trumansburg State of New York

For the purpose of promoting the health, safety, morals, or the general welfare of the community, and to lessen congestion in the streets;

to secure from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to safeguard homes by preserving the attractive environment of residential areas; to conserve property values in all areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements in the Village Law, under and pursuant to Article 6-A, Chapter 64 of the Consolidated Laws; the size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, the density of population and the use of buildings, structures and land for trade, industry and residence or other purposes, are hereby restricted and regulated as hereinafter provided:

ARTICLE 1 - DEFINITIONS

Section 1. DEFINITIONS. For the purpose of this ordinance certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense; the singular includes the plural; the work "person" includes a corporation as well as an individual; the word "lot"

includes the word "plot" or "parcel"; the term "shall" is always mandatory; the word "used" or occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

1. LOT - is a parcel of land occupied or capable or being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

2. LOT LINE - is a boundary line of a lot.

3. FAMILY - is any number of persons related to each other by blood, marriage or legal document maintaining a common household, except that no more than two (2) such persons may be roomers. A roomer is a person living within the household who pays a consideration for such residence.

4. DWELLING - is a building designed or used exclusively as the living quarters for one or more families.

5. SINGLE FAMILY DWELLING - a detached building designed for or occupied exclusively by one family.

6. TWO FAMILY DWELLING - a building designed for or occupied exclusively by two families living independently of each other.

7. MULTIPLE DWELLING - a

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building used or designed as a residence for three or more families living independently of each other and doing their own cooking there-in, including apartment houses, apartment hotels, flats and group houses.

8. AUTO COURT - a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist courts, motor lodges, motels and by similar names.

9. BOARDING HOUSE - any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished rooming house shall be deemed a boarding house.

10. TOURIST HOME - a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

11. HOSPITAL - unless otherwise specified, the term hospital shall be deemed to include sanitarium, sanitorium, preventorium, clinic, rest home, and any other place for the diagnosis, treatment, or care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human

ailments.

12. YARD - is the space on a lot not occupied by a principal building.

13. FRONT YARD - is an open unoccupied space on the same lot with a building situated between the street line and a line connecting the parts of the building setting back from the nearest to such street line and extending to the side lines of the lot.

14. REAR YARD - an open unoccupied space on the same lot with the building between the rear line of the lot and extending the full width of the lot.

15. SIDE YARD - an open unoccupied space between the principal buildings and a side lot line and extending through from the front yard to the rear yard.

16. HEIGHT - height of a building is the vertical distance measured from the average elevation of the proposed finished grade of the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge, for gable, hip and gambrel roofs.

17. STORY - that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

18. ACCESSORY BUILDING - a

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building subordinate and clearly incidental to the principal building on the same lot and used for the purposes customarily incidental to those of the principal building.

19. NONCONFORMING USE - a building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

20. STREET LINE - the edge of the right of way of a street, road or highway.

21. HOUSE TRAILER OR MOBILE HOME - any vehicle or combination thereof used, designed for use, or capable of being used as sleeping or living quarters, capable of being propelled by its own power or by the power of another vehicle to which it may be attached and standing on wheels or on a rigid support.

22. HOME OCCUPATION - an occupation or a profession which:

a) Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit and

b) Is carried on by a member of the family residing in the dwelling unit, and

c) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and

d) Which conforms to the following additional conditions:

1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

2. Not more than one person outside the family shall be employed in the Home Occupation.

3. There shall be no exterior display, no exterior sign except as permitted in Section 6), no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.

4. No offensive noise, vibration, smoke, dust odors, heat or glare shall be produced.

In particular, a Home Occupation includes - but is not limited to the following:

Professional office of a physician, dentist, lawyer, engineer, architect, accountant, musician, teacher, artist, funeral director, or real estate broker, within a dwelling occupied by the same.

Teaching with musical instruction limited to a single pupil at a time. However, a Home Occupation shall not be interpreted to include the following:

Commercial stables and kennels, Restaurants.

23. SWIMMING POOL - an artificially created body of water covering an area of at least 100 square feet and/or with a depth at any point greater than two

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feet intended for the purpose of private swimming.

24. PARKING SPACE - each required outdoor parking space shall be not less than 180 square feet in area.

25. RUBBISH - appliances and furniture (or parts of same), car parts, used building materials, waste paper, rags, scrap metal and similar items including machinery or vehicles not in running condition.

26. BUILDING - any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

27. KENNEL - keeping more than three (3) dogs in excess of six months of age.

28. COMMERCIAL VEHICLE - a registered motor vehicle having a wheelbase in excess of 133 inches or a maximum gross weight in excess of 7500 pounds.

Section 2. DISTRICTS. For the purpose of this ordinance the Village of Trumansburg, New York, is hereby divided into the following types of districts:

1. Residence District
2. Business District
3. Industrial District

Said districts are bounded as shown on a map made by Thomas G.

Miller, C.E., dated November 9, 1970, and entitled "Zoning Map Village of Trumansburg, Tompkins County New York", which shall be certified by the village clerk, and which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

Section 3. DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following shall apply:

1. Where district boundaries are indicated as approximately following the center of streets or highways, street lines, or highway lines, street lines or highway right-of-way shall be construed to be such boundaries.

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

4. Where the boundary of a district follows a stream, lake or other

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body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village of Trumansburg unless otherwise indicated.

5. Where industrial or Business Districts abut on Residential Districts the depth of Industrial or Business building shall not exceed one-half of the depth of the block.

ARTICLE II - APPLICATION OF REGULATIONS

Section 4. USE REGULATIONS.
Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.

3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be

included as a part of a yard or other open space similarly required for another building.

ARTICLE III - RESIDENCE DISTRICTS

Section 5. USE REGULATIONS. In any residence District, no building shall be erected, altered, or extended and no land or building or part thereof shall be used for other than any of the following purposes:

1. Dwelling.

2. Church or other place of worship, convent, parish house, Sunday school building.

3. Public library or public museum, public school, parochial school, nursery school, school operated by a non-stock corporation under the education laws of the State, any institution of higher learning including dormitory accommodations.

4. Public park not conducted for profit, public playground, field houses or other accessory building are permitted, provided that no such building shall be nearer than one hundred (100) feet to any lot line. Necessary and desirable concessions are permitted upon approval of the Board of Appeals and subject to such conditions and safeguards as deemed appropriate by such Board of Appeals and upon securing a permit therefor.

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5. Fire station or other public building necessary to the protection of or the servicing of a neighborhood.

6. Mortician, nursing or convalescent homes are permitted subject to a special use permit of the Board of Appeals.

7. Rooming house or tourist house.

8. Dwelling, multiple, subject to a special use permit from the Board of Appeals and the provisions of Section 8.

9. Any municipal or public utility purpose necessary to the maintenance of utility services, except that substations and similar structures shall be subject to the same set-back requirements as apply to residences in the district in which the substations or similar structures are constructed.

10. Gardens and accessory appurtenances.

11. No sign or advertising device allowed except the following: one bulletin board or sign not exceeding two (2) square feet in area referring to the use of the premises; one sign advertising the sale, hire, or lease only of the land or buildings on which it is located, provided that such bulletin board or sign shall not exceed two (2) square feet in area; directional signs indicating local businesses or services or locally produced products for sale; any sign authorized by this paragraph

shall be maintained in a safe and neat condition.

12. Such accessory uses as are customarily incidental to the above uses, subject to the provisions of Section 6.

Section 6. ACCESSORY USES IN RESIDENTIAL DISTRICTS.

1. Customary home occupations as defined in Section 1, provided that no goods or products are publicly displayed or offered for sale outside of the dwelling unit or permitted accessory structure. One sign not exceeding two (2) square feet in area and affixed to the wall of the principal building is permitted.

2. Parking Space. Every dwelling shall provide in connection therewith garage space or required parking space off-street, for automobiles, to the number which are principally garaged on the premises, except that no more than one (1) commercial vehicle may be garaged or parked on any lot in a residence district. Each dwelling in which a home occupation is conducted shall provide parking space for each employee and adequate off-street parking for customers.

3. A temporary building for business or industry in a Residence District where such building is necessary or incidental to the development of a residential area.

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Such building may not be continued for more than one year except upon special approval by the Board of Appeals.

4. The taking of not more than two (2) non-transient adult roomers, provided no sign is displayed.

Section 7. ACCESSORY BUILDINGS. Accessory buildings may not occupy any required open space other than a rear yard except as noted below and any such accessory building may occupy no more than forty (40) percent of any required rear yard and shall not be less than five (5) feet from any side or rear lot line, except that a private garage may be built across a common lot line with a common wall by mutual agreement between adjoining property owners. Accessory buildings shall in no case exceed twenty (20) feet in height. Where the natural slope of the ground exceeds a twenty (20) percent rise directly from the street line, a private garage, not over one story in height, may be located in the front yard not less than five (5) feet from said street line. On a corner lot, no accessory building may be nearer the side street line than the required front yard depth.

The area occupied by a garage attached to a dwelling directly or by means of a covered passageway shall not be included in the computation for building coverage.

Section 8. LOT AREA, FRONTAGE AND BUILDING HEIGHT.

1. Lot area shall be fifteen thousand (15,000) square feet per

family or twenty thousand (20,000) square feet for non-residential uses.

2. There shall be fifteen thousand (15,000) square feet for the first family plus seven thousand five hundred (7,500) square feet for the second family in the same structure and five thousand (5,000) square feet for each family in excess of two in the same structure.

3. Frontage shall be a minimum of one hundred (100) feet.

4. No building shall be erected to a height in excess of thirty-five (35) feet.

Section 9. YARDS. Except as provided elsewhere in this ordinance, there shall be provided in connection with all buildings and structures, yards no less in size than listed below:

Front yard	50 feet
Side yard	15 feet
Rear yard	35 feet

Section 10. OUTDOOR STORAGE.

1. There shall be no outdoor storage for goods, supplies or rubbish in connection with any of the uses permitted by this Article.

ARTICLE IV - COMMERCIAL DISTRICTS

Section 11. USE REGULATIONS. In commercial Districts, no building shall

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be erected, altered or extended and no land or building or part thereof shall be used for other than one or more of the following uses.

1. Any use permitted in Section 5, subject to all provisions specified for such residence district.

2. Stores and shops for conducting any retail business.

3. Personal service shops.

4. Banks, theaters, offices and similar community services.

5. Garages and filling stations upon approval of the Board of Appeals and subject to such conditions and safeguards as deemed appropriate by such Board of Appeals and upon securing a permit therefor.

6. Accessory buildings and accessory uses.

7. Other uses which, in the opinion of the Board of Appeals, are of the same general character as those listed as permitted uses and which will be detrimental to the district in which they are located.

Section 12. BUILDING HEIGHT LIMIT. No building shall be erected to a height in excess of thirty-five (35) feet.

Section 13. REQUIRED LOT AREA

AND FRONTAGE. Lot area shall not be less than seven thousand five hundred (7,500) square feet with seventy-five (75) feet frontage.

Section 14. YARDS. Each lot shall have front, side and rear yards with depths of not less than the following: Front yard - 20 feet; Side yard - 15 feet; Rear yard - 15 feet.

Section 15. OUTDOOR STORAGE.

1. There shall be no outdoor storage for goods, supplies, rubbish or refuse in connection with any of the uses permitted by this

Section 16. SIGNS. In commercial districts there shall be permitted one exterior sign for each business conducted on the premises, such sign not to exceed fifty (50) square feet in area.

ARTICLE V - INDUSTRIAL DISTRICTS

Section 17. USE REGULATIONS. The provisions of this article shall apply in an Industrial District.

1. A building may be erected, altered or used and a lot or premises may be used subject to the provisions of this article, for one of the following purposes or similar use, no more

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objectionable in nature, provided the same are lawful, and further provided that any such use shall be established or maintained so that (1) no odor, dust, fumes, gas or other atmospheric emission shall be disseminated, and (2) there shall be no discernible noise, vibration or similar air turbulence emitted beyond the immediate site of the building in which the use is conducted so as to constitute a nuisance in the neighborhood:

Cabinet making
Film processing
Manufacturing of any of the following:
Clocks and watches
Cosmetics
Finished paper products
Handcraft products
Hearing Aids
Non-metallic toys
Optical instruments
Musical instruments
Electronic instruments
Precision instruments
Surgical dressings
Pharmaceutical laboratories
Printing and publishing plants
Radio and television studios, but not transmitters
Scientific research laboratories not involving the dumping of waste products.

2. The Board of Appeals may, after public hearing, notice of which shall be given as provided in Section 60, authorize as a special use additional similar uses to those permitted in Section 1. subject to

appropriate conditions and safeguards and in so acting shall give consideration to the following:

Accessibility of the premises for fire and police protection;
Access of light and air to the premises and adjoining property; Traffic problems;
Transportation requirements and facilities;
Hazards from fire;
The size, type and kind of buildings and structures in the vicinity;

that such use shall be lawful and may, in the judgement of the Board of Appeals, be established and maintained so that there will not be any violation of conditions designated (1) and (2) of Section 3; not withstanding the above, the following uses shall not be authorized by the Board of Appeals and are hereby expressly prohibited:

Abattoir
Acetylene manufacture
Acid manufacture
Ammonia, bleaching powder of chlorine manufacture
Arsenal
Asphalt manufacture, refining, mixing or treating
Assaying other than gold or silver
Atomic research
Albumin powder manufacture, storage in quantities exceeding twenty (20) pounds
Blast furnace
Boiler works

or

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Candle manufacture
Celluloid manufacture
Coke manufacture
Crematory other than a
crematory in a cemetery
Creosote treatment or
manufacture
Dextrine, glucose or starch
manufacture
Disinfectant, insecticide or
poison manufacture
Distillation of coal, petroleum,
refuse, grain, wood or bone
Dyestuff manufacture
Emery cloth and sandpaper
manufacture
Fat, grease, lard or tallow
manufacture, rendering or
refining
Fertilizer manufacture
Fireworks manufacture or
storage
Fish smoking and curing
Gelatin, glue or size
manufacture which includes
products of fish, animal refuse
or offal
Grain drying or food
manufacture from refuse, mash
or grain
Lamp black manufacture,
animal black or bone black
Linoleum or oil cloth
manufacture
Match manufacture
Nuclear research
Oiled or rubber goods
manufacture
Potash works
Pyroxyline or other plastic
manufacture
Raw hides or skins, storage,

cleaning, curing or tanning
Refining oil or sugar
Rubber, synthetic rubber
caoutchouc or gutta percha
manufacture or treatment
Sauerkraut or pickle
manufacture
Shoe blacking or stove polish
manufacture
Smelting
Soap manufacture
Soda and compound
manufacture
Steel furnaces, blooming or
rolling mill
Stock yards
Structural steel or pipe works
Stone crushing
Tar distillation or manufacture
Tar roofing and waterproofing
manufacture
Vinegar manufacture
Woolpulling or scouring
Yeast plant

3. Any use permitted in Section 5 and 11 of this ordinance, subject to all the provisions specified for the intended use.

Section 18. ACCESSORY BUILDINGS.
Accessory buildings of uses on the same lot with the customarily incidental to any permitted use will be allowed.

Section 19. BUILDING HEIGHT. No building shall be erected to exceed a height of thirty-five (35) feet, or two

stories.

Section 20. BUILDING AREA.

1. The total coverage of buildings or structures on any plot or site shall not exceed fifty (50) percent of the plot area, which coverage shall include off-street loading and unloading facilities. The remaining fifty (50) percent shall be divided among areas for landscaped parks, sidewalks and accessory parking of vehicles. The area required to be provided for accessory parking of vehicles shall provide parking space for a number of vehicles equal to at least one (1) parking space for each of the maximum number of employees for which the plant is designed in the conduct of business or industry on the plot. The side plan shall show the location of areas to be set aside for parking of vehicles and the open spaces to be provided for landscaping, sidewalks and roadways. Each building shall have adequate off-street loading and unloading facilities which shall be shown on the plot plan and provisions for the same shall be made in a location that will not interfere with accessory building areas and means of entrance and egress therefrom.

2. Upon the filing of each application for a building permit, the zoning officer shall consider the architectural design of such building and its relationship to the affected and surrounding properties and buildings so that building and property values shall be conserved, and so that the

most appropriate use of land throughout the Village shall be encouraged and in addition shall give consideration to the following:

Access of light and air to the premises and adjoining property; Traffic problems; Transportation requirements and facilities; Hazards from fire; The size, type and kind of buildings and structures in the vicinity.

Section 21. STREET SETBACK OR BUILDING LINE.

1. There shall be a minimum front yard depth of one hundred (100) feet from King Town Road or Town Line Road whichever should be the abutting front road and a minimum of fifty (50) feet from any other street, except where the property on the other side of the street is in another district in which case there shall be a minimum set back of one hundred (100) feet.

2. The site plan may provide a parking area for vehicles owned by executives and/or visitors to project from the building area into the front yard where the front yard has a depth of not less than seventy five (75) feet, a distance of not more than twenty-five (25) feet, to accommodate not more than twenty (20) vehicles.

Section 22. SIDE AND REAR YARDS.

1. Each lot shall have side and rear yards of not less than the depths and widths following:

Side yard width: each fifty (50) feet.

Rear yard width: fifty (50) feet.

2. Notwithstanding Section 23, #1, where a plot abuts property situated in another district, the distance of any building, structure or parking area from the side and rear property lines shall be not less than seventy-five (75) feet.

Section 23. PARKING AREA.

1. No parking space except as provided in Section 21, #2, shall project into required front, side or rear yard space.

2. No parking area or space shall be used for any purpose other than the accessory parking of automobiles or other vehicles. In no case shall any storage, servicing or dismantling of automobiles or other vehicles, nor shall loading and unloading be permitted in the parking area.

3. No part of any parking area shall be used for the storage or abandonment of any vehicle.

4. All parking areas shall be screened with evergreens or with similar shrubbery so that such area

shall be obscured from the view of adjacent property.

Section 24. SEWAGE DISPOSAL.

1. All buildings used for manufacturing purposes not connected with a municipal sewerage system shall be equipped with an independent sewerage system and disposal facilities approved by the Tompkins County Department of Health.

Section 25. GARBAGE DISPOSAL.

1. Suitable storage space shall be provided for the storage of garbage, refuse, rubbish, etc. Removal of all garbage, refuse, and rubbish shall be under private contract by the owner at the owner's sole cost and expense.

Section 26. SIGNS

1. In Industrial districts there shall be permitted one exterior sign referring to the use of the premises, such sign not to exceed fifty (50) square feet in area.

2. No sign shall not exceed fifteen (15) feet in height from the ground level. An open space of at least three (3) feet in height shall be maintained between the bottom of the sign and the ground.

3. Such sign shall not exceed

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fifteen (15) feet in height from the ground level. An open space of at least three (3) feet in height shall be maintained between the bottom of the sign and the ground.

4. No signs shall be closer than seventy-five (75) feet to the front right-of-way.

5. No sign shall be illuminated except as shall be approved by the Board of Appeals.

6. The Board of Appeals may on application and after notice and public hearing as a special exception and upon such conditions, restrictions and safeguards as it may deem necessary permit not more than three such signs on a plot advertising the business conducted thereon, one of which may have an area not exceeding one hundred (100) square feet.

Section 27. GENERAL REQUIREMENTS.

1. All buildings and structures, roads, walks and parking areas authorized under the provisions of this Article shall conform to all applicable laws, regulations and ordinances relating to construction, operation and maintenance.

2. No building permit shall be issued by the zoning officer for any use provided in this Article unless there shall be filed with the application for the building permit, a site plan and a

general building plan. The term "general building plans" shall be deemed to mean the plans showing the exterior elevations of the building, the exterior design and all superstructures, the vertical and horizontal dimensions, the square footage of the floor area and cubic foot content of the building.

3. An application for a building permit must be in writing, signed by the owner of the plot and be accompanied by a site plan and general building plans, showing the design, location and the uses of buildings, structures, parking areas, loading areas, driveways, sidewalks, screening planting, open spaces and such other details as required by this ordinance. Such applications and site plans shall be in triplicate and filed in the office of the Village Clerk. On the filing of the application there shall be paid a minimum of twenty-five dollars (\$25.00) for the first acre or part thereof and ten dollars (\$10.00) for each additional acre shown on the site plan.

ARTICLE VI - SUPPLEMENTARY PROVISIONS

Section 28. BUILDING FLOOR AREA. No dwelling in any district shall be erected or altered so as to provide for less than eight hundred fifty (850) square feet of enclosed livable floor area, exclusive of garage or carport, or additions to mobile homes.

Section 29. TRAILERS. There shall be

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no house trailer or mobile home located within the Village. There shall be no house trailer park or mobile home park located within the Village. Any trailer, whether it be known as a travel trailer, camping trailer or motorized coach inhabited for more than three (3) consecutive nights shall be subject to the provisions of this section.

Section 30. ANIMALS. No land or buildings shall be used for harboring or boarding of animals other than common domestic household pets within the confines of the Village limits. Dog kennels, poultry and farm animals of any kind are prohibited, to include horses.

Section 31. MULTIPLE DWELLINGS. This ordinance is intended to provide guidance in the construction of residence dwellings for less than three (3) families. In addition to the ordinances herein, the Multiple Residence Law of the State of New York must be fully complied with in the construction, enlargement or alteration of any dwelling subject to its provisions.

Section 32. EXISTING LOTS. Other provisions of this ordinance notwithstanding, nothing shall prohibit the use of a lot of less than the required area for a single family dwelling in any district provided that all the other provisions of this ordinance are complied with, when such lot, at the

time of the passage of this ordinance, was owned or leased by persons other than those owning or leasing any adjoining lot.

Section 33. FRONT YARD EXCEPTIONS. Other provisions of this ordinance notwithstanding, no building in any district need have a front yard greater in depth than the average depth of the front yards of the lots next thereto on either side, a vacant lot, an adjacent street, or lot with a front yard greater than the minimum required depth being counted as if it were the minimum front yard for the district in which it is located, but in no case shall the front yard in any district be less than twenty (20) feet in depth.

Section 34. SIDE YARD ON CORNER LOT. On a corner lot in any district, the side yard on the street side shall be at least one-half the required front yard.

Section 35. OPEN PORCHES. In determining the size of yards for purpose of this ordinance, porches or carports, open at the sides, but roofed shall be considered a part of the building.

Section 36. FENCES AND WALLS. The provisions of this ordinance shall not apply to fences or walls not over six (6) feet high above the natural grade, except as limited by Section 32, nor to

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terraces, steps, unroofed porches, or other similar features not over three (3) feet high above the level of the floor of the ground story.

Section 37. CORNER VISIBILITY. In any district no structure, fence or planting over three (3) feet in height, measured from the center of the adjacent traveled way, shall be maintained on any corner lot within a triangular area formed by the lot lines along the streets to the points on such lines a distance of thirty (30) feet from their intersection, and a line connecting such points. Any fence or planting that does not conform to the requirements of this section and which constitutes a hazard shall be made to conform within one year from the date this ordinance becomes effective.

Section 38. PROJECTION IN YARDS. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, belt courses, pilasters, leaders, chimneys, cornices, eaves and ornamental measures provided that not such projection may extend more than two (2) feet into any required yard provided that the sum of such projections on any wall, shall not exceed one-third the length of such wall.

An open fire balcony or fire escape may not extend more than four (4) feet into any required yard.

Section 39. REDUCTION OF LOT AREA. Whenever a lot upon which

stands a building is changed in size or shape so that the area and yard requirements of this ordinance are no longer complied with, such building shall not thereafter be used until it is altered, reconstructed or relocated so as to comply with those requirements.

The provisions of this section shall not apply when a portion of a lot is acquired for a public purpose.

Section 40. MORE THAN ONE BUILDING ON A LOT. When there is more than one principal building on a lot in any district the space between such buildings must be at least equal to the sum of the side yards required by such buildings or the sum of the rear and front yards as the case may be.

Section 41. MOTOR VEHICLE PARKING IN FRONT YARD. No required front yard shall be used for the open-air parking or storage of motor vehicles except in established driveways.

Section 42. LOCATION OF CERTAIN ACTIVITIES. Other provisions of this ordinance notwithstanding, the following uses or activities shall not be permitted nearer to any residence district than the following specified distances:

1. Garage or shop for the painting of automobiles or for the repairing of automobile bodies or

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fenders involving hammering or other work causing loud or unusual noise, fumes or odors - two hundred (200) feet.

2. Theatre, dance hall, bowling alley, skating rink □ two hundred (200) feet.

Section 43. EXTRACTION OF NATURAL PRODUCTS. In any district, the removal of sod, loam, sand, gravel or quarried stone for sale, except when incidental to, or in connection with, the construction of a building shall be prohibited.

Section 44. ACCESS TO BUSINESS OR MANUFACTURING USE. No driveway or other means of access for vehicles, other than a public street, shall be maintained or used in any residence district for the servicing of a business or manufacturing use located in a commercial or industrial district.

Section 45. PUBLIC GARAGES AND GASOLINE SALES STATION.

1. No part of any public garage or gasoline station shall be used for residence or sleeping purposes except by a watchman.

2. No part of any building used as a public garage or gasoline service station and no filling pump lift or other service appliance shall be erected within one hundred (100) feet of any residence district.

3. No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance installed in connection with any gasoline sales station or public garage shall be within thirty (30) feet of any street right of way.

Section 46. SWIMMING POOLS. All swimming pools other than small portable pools shall be enclosed by a fence with a minimum height of four (4) feet or must be of such construction that access, other than through an entrance way, is bounded by a wall or fence or combination thereof to a minimum overall height of four (4) feet. Entrances to pools must be equipped with doors or gates equipped with locking devices which, when closed, equal or exceed the height of the fence or wall or combination thereof.

ARTICLE VII - NON-CONFORMING USES

Section 47. CONTINUATION OF EXISTING USES. Except as provided elsewhere in this Article, any use of land, or a building or part thereof legal in accord with ordinances existing at the time that this ordinance becomes effective, may be continued, although such building or use does not conform to the provisions hereof.

Section 48. ALTERATIONS. A non-conforming building may not be reconstructed or structurally altered during the course of its life to an extent exceeding in aggregate cost fifty (50) percent of the assessed value of the building unless said building is changed to a conforming use. Notwithstanding the foregoing, no nonconforming building shall be altered or extended except as authorized by the Board of Appeals. Said alteration or extension shall be deemed a special use.

Section 49. EXTENSION. A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such nonconforming use.

Section 50. UNSAFE STRUCTURES. Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

Section 51. CONSTRUCTION APPROVED PRIOR TO ADOPTION OF OR AMENDMENT TO ORDINANCE. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been

diligently prosecuted within three (3) months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from the date of this ordinance.

Section 52. RESTORATION. Nothing herein shall prevent the substantial restoration to its former condition or better, within six (6) months and its continued use of a nonconforming building damaged less than seventy-five (75) percent of the assessed valuation of such building immediately prior to such damage, by fire, flood, earthquake, act of God, or act of the public enemy.

Section 53. DISCONTINUANCE OF USE. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance.

Section 54. CHANGES. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or higher classification, and such use thereafter shall not be changed to and such use thereafter shall not be changed to a lower classification, a higher classification being residential and industrial being the lowest

classification.

Section 55. DISPLACEMENT. No nonconforming use shall be extended to displace a conforming use.

Section 56. DISTRICT CHANGES. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

Section 57. JUNK YARDS AND SIGNS. Notwithstanding any other provisions of this ordinance, any automobile or other junkyard, or any nonconforming sign or advertising device in existence in a residence district at the time of enactment of this ordinance shall be discontinued within one (1) year of such date. Any lot containing one or more abandoned, partially dismantled, non-operative or unregistered motor vehicles shall be considered a junkyard for the purposes of this section.

ARTICLE VIII-ADMINISTRATION

Section 58. BUILDING PERMITS.

1. No building or structure shall be erected, added to, or structurally altered until a permit therefor has been issued by the zoning officer. Except upon a written order of the Board of Appeals, no such building permit or certificate of occupancy shall be issued for any building where said

construction, addition or alteration or use thereof would be in violation of any of the provisions of this ordinance.

2. There shall be submitted with all applications for building permits one (1) copy of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this ordinance.

3. No permit shall be issued when the estimated cost of the proposed structure obviously indicates that it is materially inferior to the buildings existing in the vicinity in which it is to be constructed, to the detriment of existing property owners and devaluation of their properties.

4. Unless there has been substantial progress in the work for which the building permit was issued, said building permit shall expire one year from the date of issue.

Section 59. CERTIFICATE OF OCCUPANCY

1. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the building inspector, stating that the buildings or proposed use thereof complies with the provisions of this

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ordinance.

2. No nonconforming use shall be maintained, renewed, changed or extended without a certificate of occupancy (certificate of use therefor) having first been issued.

3. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within 10 days after the erection or alteration shall have been approved as complying with the provisions of the ordinance.

4. The building inspector shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

5. No permit for excavation or for the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

Section 60. SPECIAL USE PERMITS.

1. The uses for which approval of the Board of Appeals is required and for which conformance to additional standards is required shall be deemed to be special uses, subject to the satisfaction of requirements and standards set forth by the Board of Appeals, and this section, in addition to all other requirements of this ordinance. All such uses are hereby

declared to possess characteristics of such unique and special forms that each specific case or use shall be considered as an individual case.

2. A plan for the proposed development, alteration or extension of a site for a permitted special use shall be submitted with an application for a special permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulating drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this ordinance.

3. A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six (6) months for any reason.

4. The Board of Appeals shall hold a public hearing to consider each application for a special use permit.

5. No permit shall be issued for a special use for a property where there is an existing violation of this ordinance.

6. The following standards shall apply to all special uses:

a) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or

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future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

b) Operations in connection with any special use shall not be more objectionable in nature to nearby properties by reason of noise, fumes, vibration, flashing lights, increased traffic or any other objectionable reasons, than would be the operations of any permitted use.

Section 61. ENFORCEMENT. This ordinance shall be enforced by the zoning officer, who shall be appointed by the Village Board of Trustees. The Zoning Officer of the Village shall also be the building inspector of the Village. No building permit or certificate of occupancy shall be issued by him except where all the provisions of this ordinance have been complied with, unless by written order of the Board of Appeals.

Section 62. FEES.

1. A fee of \$5.00 shall be charged for each building, accessory building, alteration, or for a special use permit.

2. All fees collected shall be turned over to the Village Treasurer at the end of each month.

3. The Village Board shall by resolution provide for the compensation and expenses of the Zoning Officer and determine the disposition of the fees collected.

Section 63. BOARD OF APPEALS.

1. Creation, appointment and Organization.

A Board of Appeals is hereby created, to be known as the Board of Zoning Appeals of the Village of Trumansburg, New York, and said Board shall consist of five members, each to be appointed for three year terms by the Board of Trustees of the Village of Trumansburg, Re-appointments shall be for 3 year terms. The Board shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules for the conduct of its affairs.

2. Powers and Duties. The Board of Appeals shall have all the power and duties prescribed by law and by this ordinance, which are more particularly specified as follows:

a) Interpretation. Upon appeal from a decision by the Zoning Officer, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

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b) Special Use Permits. To issue special use permits for any of the uses for which this ordinance requires the obtaining of such permits from the Board of Appeals.

c) Variances. To vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

No variance in the strict application of any provision of this ordinance shall be granted by the Board of Appeals unless it finds:

(1) That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.

(2) That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that

will accomplish this purpose.

(3) That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

The applicant shall bear the cost of advertising as required in connection with public hearings.

3. Procedure.

(a) The Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be made in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

(b) Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be

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filed in the office of the Village Clerk together with all documents pertaining thereto. The Board of Appeals shall notify the Board of Trustees of each special use permit and each variance under the provisions of this ordinance.

Section 64. VIOLATIONS AND PENALTIES. A violation of this ordinance is an offense punishable by a fine not exceeding \$50.00 or by imprisonment for a period not exceeding 60 days, or by both such fine and imprisonment for each and every violation and for each and every day that such violation continues.

Section 65. COMPLAINTS OF VIOLATIONS. Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be made in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate and report thereon to the Board of Trustees, and refer such cases to the Board of Appeals where necessary.

Section 66. AMENDMENTS. This ordinance may be amended as provided by law.

Section 67. VALIDITY. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

Section 68. REPEALER. The ordinance entitled "Zoning Ordinance of the Village of Trumansburg," adopted on March 12, 1956, together with all changes and amendments thereto is hereby repealed and declared to be of no effect.

Section 69. SHORT TITLE. This ordinance shall be known as the Zoning Ordinance of the Village of Trumansburg.

Section 70. WHEN EFFECTIVE. This ordinance shall be in force and effect immediately upon adoption, posting and publication as provided by law.

I, LEORA V. DECKER, Clerk of the Village of Trumansburg, New York, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Village Board of the Village of Trumansburg on January 11, 1971.

Leora V. Decker
Village Clerk

Dated: January 12, 1971